

Claire Brooks
Access Executive



1 November 2024

Adebisi Akinyanju
Franchise and Access Manager
Network Rail Infrastructure Ltd
Basingstoke Rail Operating Centre
Gresley Road
Basingstoke
RG21 4FS

Robert Hodgkinson
Regulatory Access Manager
First MTR South Western Trains Ltd
South Bank Central
30 Stamford Street
London
SE1 9LQ

Dear Adebisi and Robert

Approval of the 33rd supplemental agreement to the track access contract between Network Rail Infrastructure Limited (Network Rail) and First MTR South Western Trains Limited (trading as South Western Railway (SWR)) dated 9 April 2019

We have today approved the above supplemental agreement submitted to us formally on 21 October 2024 under section 22 of the Railways Act 1993 (the Act). This follows an earlier informal submission of a draft agreement for our consideration. This letter explains the reasons for our decision.

Purpose

The purpose of this agreement is to grant SWR the rights necessary to operate its proposed December 2024 timetable. This will entail the amendment of Table 2.1 in Schedule 5 of the contact to include new Saturday firm rights from Weybridge to Waterloo via Chertsey and Brentford, and from Windsor and Eton Riverside to Waterloo via Twickenham. These services are currently operating in SWR's contract as contingent rights in Table 2.2. The amendments are to commence on the Principal Change Date in December 2024 and will expire on the Expiry Date or earlier termination of SWR's track access contract.

Industry consultation



Network Rail undertook the usual industry consultation. Comments in support were received from Transport Focus and Great Western Railway. No queries or concerns were raised.

ORR review

Our review of the application raised no operational, performance or economic concerns.

Our duties under section 4 of the Act and our decision

We have concluded that approval of this supplemental agreement strikes the appropriate balance in discharging our statutory duties under section 4 of the Act; in particular, those relating to protecting the interests of users of railway services (section 4(1)(a)), promoting the use of the railway network for the carriage of passengers (section 4(1)(b)) and enabling persons providing railway services to plan their businesses with a reasonable degree of assurance (section 4(1)(g)).

Conformed copy of the track access agreement

Under clause 18.2.4 of the track access contract, Network Rail is required to produce a conformed copy, within 28 days of any amendment being made, and send copies to ORR and the Train Operator. Please send the conformed copy to me at ORR.

Public register and administration

Electronic copies of this letter, the approval notice and the agreement will be sent to the Department for Transport and Network Rail's Policy and Access Team. Copies of the approval notice and the agreement will be placed on ORR's public register (website), and copies of this letter and the agreement will be placed on the ORR website.

Yours sincerely

Claire Brooks